GENERAL AND REVENUE SECRETARIAT.

1900-11

(Banking)

File No. 9-10.

Serial Nos. 10, 11, 16.

Papers Filed.

Month February 1911

SUBJECT.

Regarding the appeal of Adinaramappa of Kadur Taluk, against the Deputy Comrs orders directing the Sale of a portion of Jodi Hanubhalli village Inam lands and the realisation of the dues.

PREVIOUS REFERENCES.	LATER REFERENCES.
B. 8-09-88 39,40.	B 5-1887-8 B May 1912.

G.R.S. 11] 1910-11

GENERAL AND REVENUE SECRETARIAT.

(Banking)

NOTES.

File No. 9

FILE HEADING.

Agricultural Bank at Chikmagalur

From

Annamappa of Jodi Gombhalli
Kadur Tk

No. Petn Dated 2.6.10 Received 21.10.10

Diary No. 1608 | Enclos. Nil Spare Copies | Serial No. 10

BRIEF ABSTRACT OF LETTER.

Appeals against the Dy Commrs order directing the sale of a portion of the above Jodi Village towards the realisation of the dues of the late Sri Gundappa a deceased member of the above Bank

NOTES AND ORDERS.

Dwans order on the Petn
To the Dy Commr for attention
Draft lifted according by

7/11

7/11/10

Issue
4/
7.11.10

NOTES—First sheet

GPB—30,000—3-4-07.

G. R. S. 12]
General and Revenue Secretariat.

B File No. 9 of 1910

Serial No.	
11	To the Dy Commr Kadur No H 2434 dd 14.11.10 forwards the petn for attention
16	From the Dy Commr, Kadur No 2029 26/11/10 States that Subbaraya's claims to the lands in question were duly investigated & found to be not substantiated & that accordingly he has agreed to hand over possession of the land in question to the auction purchaser 2 The Dy Commr further states that no further action is necessary on the petn which may therefore be ordered to be filed. Put (45) 5/12 The record of the investigation in this case now sent up does not contain any statement of Chikkanarasaiya accepting the finding of the Deputy Commr and agreeing not to interfere with the transfer of the lands to the auction purchaser. If Chikkanarasaiya has any case, of course he will file it out in a Civil Court. For the present however, it is assumed he does not obstruct the transfer of possession to the auction purchaser 5/12/10

Let will com. & in return Bp. 5.12.10.

NOTE—Contn. sheet.

GPB—50,000—12-8-10

(3

G. R. S. 12]
General and Revenue Secretariat.

B File No. 9 of 19 10

Serial No.	
	4 The persons in the letter dt 1st Sept that Brdiamangalam agreed to hand over the village to the purchaser. No further action is therefore necessary. The may be filed Subj to the Dewan's information.
	Dewan) 4/ 8.12.10.
9146 8.12.10	Seen Letter 17th Nov 11
	4/10/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

51608

Banking

190

No.	2041
Name of Petitioner,	Adinaranappa
Village,	Jodi Hombóballi
Taluk,	Kadur
District,	Kadur
Date of Arzi,	2 - 6 -10
Date of Receipt,	6 - 6 -10
Date of disposal,	-
No. of Enclosure,	Nil - 2 Rs Stamp

En

To the Deputy Commissioner for attention

17/6/10

II

ABSTRACT

Appeal against the Deputy-Commissioner's order directing the sale of a portion of the Jodi Hombóballi (for the loan due to Chickmagalur Agricultural Bank by the late B. Gundappa).

The order appealed against is not put up

11/8/10

Receipt Postage
Cover No. 5
6. 6. 10

No 2041

2 Rs Stamp

B 9-10

No. R 2434

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

Revenue and General Secretariat.

SL 11

(Banking

, dated the 14-11-1910.

1608/87-10/10

Forwarded to the Dy Commr, Kadur Dt.
for attention

By Order,

7.11.10

M N Secy

List of Papers Forwarded.

Petn No H 1608 dd 2-6-10 addressed to the Dewan from Annaramappa of Jodi Hombekalli, Kadur ~~Dt~~ appealing against the Dy Commrs' order directing the sale of a portion of the above Jodi Village towards the loan due to the late Chikmagalur Agri Bank by the late B Gundappa.

G. R. S. 53

11/11

12th Nov

L.N. 52278 (13)

B 99-10 (16)

1906

From The Depty Commissioner Madura District

To The Secretary to the Govt of Mysore Govt and Revenue Department

Dated 22nd November 1906

Despatched 26th

Received

General No. 202

No.

Enclosure No. 2

Submitting opinion in the matter of a petition addressed to the Dewan for Adinarayanappa of Joodakalli of the Madura District

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Office of the Deputy Commissioner
Kadur District,
Dated Chikmagalur 24th November 1910.

From

K. R. Srinivasa Iyengar Esqr
Deputy Commissioner
Kadur District

To.

C. S. Balasundaram Iyer Esq B.A.
Secretary to Government
General & Revenue Depts

Sir,

With reference to your
No Rl 2434/B. 9-10-12 dated the 14th
November 1910 forwarding for attention M
petition No Rl 1608 dated 2nd June 1910
addressed to the Dewan from Ade-
Nanappa of Jodi Hochihalli of
the Kadur Taluk, appealing against
my order directing the sale of a
portion of the above Jodi village
towards the loan due to the late
Agricultural Bank at Chikmagalur

by the late B. Gundappa, I have the honor to state that since the date of the said petition the Government have been pleased to pass their order No Rd 6:141-2/B. 8-09-48 dated 14th June 1910 confirming the said sale of the Jodi lands in accordance with which an order was issued to the Taluk to put the purchaser Kesavaiyya in possession of the lands.

2 Adinarayappa having protested against the order, notices were issued to him and the parties concerned to appear and state their objections before me, on the 20th September 1910. Adinarayappa appeared by his Advocate and was duly heard. As he was unable to produce any evidence to show that he was in possession and enjoyment of the said Jodi lands on account of himself and as on the contrary there was satisfactory proof to show that the lands belonged to the deceased

Gundappa

Gundappa who mortgaged the property to the late Bank, I passed an order directing Adinarayappa to hand over possession of the lands to the purchaser without further objection. I enclose a copy of the order for the information of Government. According to this order, I may state Adinarayappa has consented to hand over to the purchaser the possession of the lands sold on the 12th April 1910.

3. I beg to state that no more action seems to be called for at present in respect of the above Petition which is herewith returned.

I have the honor to be,
Sir,
Your most Obedient Servant,

[signature]
Deputy Commissioner
Kadur District.

In the matter of the objection of one S. Adinarayya to surrender to the auction purchaser B. Kesavaiyya the possession of the sixth share of the Godi Hochihalli village in Sakrepatna Hobli of the Kadur Taluk, belonging to the late Pleader Mr B. Gundappa an indebted member of the late Agricultural Bank at Chikmagalur - the right, title and interest which was mortgaged to the said Bank by the said Mr Gundappa and was in consequence sold on 12th April 1910 by public auction at the request of S. Venkatrao attorney to Venkamma - widow and heir of the said Mr B. Gundappa, which sale was duly confirmed by Government in their order No Rd 6141-2 / B. 8-09-48 dated Bangalore 14th June 1910.

Before. K.R. Srinivasa Iyengar Esq. M.A.

Deputy Commissioner

Kadur District

Dated Chikmagalur 20th September 1910

16

Parties to the above viz, S. Adinarayappa. the Objector, B. Kesaraiah the purchaser and T. Venkat Rao, Attorney to Venkamma were duly served - to appear and State objections, if any, on 20th September 1910.

Advocate Mr S.V. Basappa appearing on behalf of S. Adinarayappa prayed for grant of time to file a written Statement of objection. Time granted till tomorrow.

2nd day. Chikmagalur 21. 9. 1910.

Parties present - Mr S. V. Basappa presented the Objection Statement. In this, Adinarayappa States that the Sixth Share of Godi Hotehalli village came to his possession about the year 1883, it having been purchased for his benefit by his brother in law, the late Mr B. Gundappa. He says that a sum of Rs 1800/- which came to his share of profits realized in a Shop concern at Chikmagalur to which the late Mr Gundappa and himself were Co-partners, remained with the said Mr Gundappa and that that

amount

amount was made use of by Mr Gundappa in purchasing the above property. As such, Adiyarnappa says that Mr Gundappa had no right or interest in the said property.

From the references produced by Venkat Rao it is clear that the sixth share of the Jodi village in question originally belonged to Mr Gundappa and this fact is not denied by Adiyarnappa himself. His contention however is, that Mr Gundappa gave the property to him in full right. Unless Mr Gundappa had conveyed the property to Adiyarnappa by gift or mortgage prior to its hypothecation to Government the latter is bound by the terms of the hypothecation. Adiyarnappa has himself admitted in his Statement before the Sub-Divisional Assistant Commissioner that he is not in possession of any documentary or other tangible evidence to show that the property was conveyed to him in full right before its hypothecation to Government by Gundapp

or

or even subsequent to the hypothecation. If the property had really been conveyed by Mr Gundappa to him, it is highly improbable that there would have been no document executed for the transaction. Moreover, if his present contention were true, it is very unlikely that knowing that the property had been hypothecated by Mr Gundappa to Government (as I am sure he should have known) he would have kept silent all this time without objecting to or protesting against such hypothecation. The fact that in his petition to the Sub-Divisional Assistant Commissioner Adiyannappa has asked that the other properties of Mr Gundappa might be first proceeded against and that if the loan is not realized therefrom, the Jodi village in question may then be sold, goes to show that he did not consider himself to have any right to the absolute ownership of the Jodi land in question. For the above reasons, I am of opinion that Adiyannappa has no valid claim to the ownership or possession

of the said lands in question. 17

It is therefore ordered that Adi. Narayappa do hand over at once the possession of the said property to the said B. Kesavaiah (auction purchaser) without any further objection. Otherwise, Adinarayappa will be ousted from the said property according to law and the possession of it handed over to auction purchaser B. Kesavaiah immediately.

Sd/- K.R. Srinivasa Iyengar
Deputy Commissioner
Kadur District.

"Copy"

[illegible]

Deputy Commissioner
Kadur District.